REMARKS

The Applicant thanks the Examiner for the careful review of this application. New claims 27-35 have been added by this amendment. Claims 1-35 are currently pending in this application.

Interview Summary

A personal interview was held on October 13, 2005 with the Examiner and her supervisor. The claims, and in particular claims 1 and 3, were discussed with respect to the Walker reference. It was agreed that the Walker reference does not teach, suggest, or describe at least a "TIB" or a "non-account" data field. An Interview Summary was prepared by the Examiner's supervisor on the same date.

The Objections

The Examiner objected to claims 4, 5, 21, 23, 24 and 26 (as well as claims 6-20, 22, and 25 as being dependent thereupon) as being informal. Applicant has amended the claims as suggested by the Examiner, and respectfully requests that the objections be withdrawn as to claims 4-26. Applicant makes these amendments as a formal matter without limitation or estoppel with respect to the amended claims.

The Rejections under 35 U.S.C. §112

Claim 25 was rejected under 35 U.S.C. §112, second paragraph as being indefinite due to insufficient antecedent basis for "the magnetic card." This has been addressed by changing "magnetic" to "electronic", as set forth in parent claim 24. Applicant respectfully requests that the rejection be withdrawn as to claim 25.

Applicant makes these amendments as a formal matter without limitation or estoppel with respect to the amended claims.

Double Patenting

Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,805,288 ("the '288 patent). Applicant respectfully traverses. Nonetheless, should claim 1 be found to be otherwise allowable, Applicant reserves the right to file a terminal disclaimer with respect to the '288 patent solely for the purpose of expediting the issuance of the present application.

The Rejections under 35 U.S.C. § 102 and § 103

Claims 1-7, 23 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,163,771 of Walker et al. ("Walker"). Claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker. Applicant reserves the right to swear behind Walker at a future date without limitation or estoppel.

Allowable Subject Matter

The Examiner is thanked for the indication of allowable subject matter in claims 8-22. Applicant reserves the right to rewrite claim 8 in independent form at a future date without limitation or estoppel.

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The Walker Reference

Walker is directed to a method and a device for generating a single-use financial account number. A device for facilitating financial account transactions is described as including a processing unit including a cryptographic processor. The device also includes an input unit, a display unit and a memory device connected to the processing unit. The memory device contains a private cryptographic key, a first data element and a second data element. The processing unit encrypts the first data element using the private cryptographic key and the second data element, modifies the second data element, combines the encrypted first data element and the second data element to generate a single-use financial account identifier, and displays the single-use financial account identifier. This identifier is then transmitted to a central processor for authorization of the transaction. The central processor extracts and decrypts data elements from the transmitted identifier using the private cryptographic key, compares those data elements with data elements stored in a memory, and verifies the single-use financial account identifier in accordance with the comparison.

Walker Distinguished

Walker does not teach, suggest or describe a number of limitations claimed by Applicant. By way of non-limiting examples, Walker does not teach a "TIB" or a "non-account" data field.

Independent claims 1, 23 and 26 all include the limitation of a Transaction Information Block ("TIB"). Walker does not teach, suggest or describe a "TIB." For a prior art reference to anticipate under 35 U.S.C. §102, every element of the

claimed invention must be identically shown in a single reference.[1] To establish a prima *facie case* of obviousness, the prior art reference(s) must teach or suggest all of the claim limitations.[2] Since Walker neither shows, teaches or suggests, *inter alia*, a "TIB", claims 1, 23, and 26 are neither anticipated nor unpatentable over Walker. Claims dependent upon claims 1, 23, or 26 are patentable for at least the same reason. Applicant therefore respectfully requests the withdrawal of the rejection of claims 1-26 for at least this reason.

Independent claim 27 includes, a "non-account" data field. Walker does not teach, suggest or describe a "non-account" data field. As noted previously, for a prior art reference to anticipate under 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference. Furthermore, to establish a prima *facie case* of obviousness, the prior art reference(s) must teach or suggest all of the claim limitations. Since Walker neither shows, teaches or suggests, *inter alia*, a "non-account" data field, claim 27 is neither anticipated nor unpatentable over Walker. Claims dependent upon claim 27 are patentable for at least the same reason. Applicant therefore respectfully requests the allowance of claims 27-35 for at least this reason.

Conclusion

Applicants believe that all pending claims are allowable and a Notice of Allowance is respectfully requested. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

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[1] In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)
[2] In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)

Respectfully submitted,
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